

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rafael A. Jones,

Petitioner,

-against-

Joseph A. Caputo,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/2/2022

1:22-cv-02794 (JPC) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Pending before the Court are multiple motions filed by Petitioner *pro se*, which are addressed in this Order, as follows:

1. Petitioner's motions to compel discovery (ECF Nos. 4, 8 and 16) are DENIED. A habeas petitioner is not entitled to discovery as a matter of ordinary course. See *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). Discovery only is permitted if the district court finds "good cause" to allow it. See Rule 6(1) of the Rules Governing Section 2254 Cases; *Bracy*, 520 U.S. at 904. The Court finds, in its discretion, that no good cause exists on the present record.
2. Petitioner's motions for an order of release from custody (ECF No. 5), to "waive the exhaustion requirement" (ECF No. 48) and for summary judgment (ECF No. 56) are DENIED WITHOUT PREJUDICE. Such motions seek the ultimate relief Petitioner sought in this habeas proceeding and are redundant of his pending habeas petition.

3. Petitioner's motion for appointment of counsel under the Ethics in Government Act (ECF No. 28) is DENIED AS MOOT, since the Court, by separate Order, is appointing counsel for Petitioner.
4. Petitioner's motions, listed on the ECF docket as a "MOTION UNDER 52 U.S.C. TITLE VII, SECTIONS 612 & 623 FOR PROVIDING FOR VICTIMS OF DOMESTIC TERRORISM, 6TH & 14TH AMENDMENT US CONSTITUTION, re: for Return of Property seized w/o warrant" (ECF No. 41) and a "PETITION(Motion) PURS. TO 40:485(F) FEDERAL PROPERTY & ADMINISTRATIVE SERVICE ACT OF 1949, 42:5121 ET SEQ. SECT. 301 RELATING TO REPAIR, RECONSTRUCTION RESTORATION & REPLACEMENT OF FEDERAL FACILITIES" (ECF No. 70) are DENIED. Such motions appear to relate to the pending state court proceedings and are not properly made in this Court. In any event, there is no legal basis upon which to grant them.

SO ORDERED.

Dated: New York, New York
December 2, 2022



STEWART D. AARON
United States Magistrate Judge